004 (1)

P.R. No. 1099/06
Presented by Shri V. A. Gorvadhan
dated 28/2/06

IN THE HIGH COURT OF JUDICATURE AT BILASPUR

CHHATTISGARH

SINGLE BENCH

W.P. NO. 1035 /2006

PETITIONER : Ashok Kumar Alam, Aged about 27 years, S/o. Shri Vangaram Alam, R/o. Village Mingachal, Post Naimed, Tahsil Bijapur, Distt ~~Dhamtari~~ Dantewada (CG).

VERSUS

RESPONDENTS :

1] State of Chhattisgarh, Through: Secretary, Tribal Welfare Deptt., D.K.S. Bhawan, Raipur (CG)

2] Collector, Dantewada, District Dakshin Bastar,Dantewada (CG)

3] Director, Panchayat and Gramin Vikas Vibhag, Chhattisgarh, Raipur, District Raipur (CG)

4] Chief Executive Officer, Janpad Panchayat, Bhairamgarh, District Dantewada (CG)

5] Block Education Officer, Janpad Panchayat, Bhairamgarh, District Dantewada (CG)

6] Chief Executive Officer, Zila Panchayat, Dantewada, District Dantewada (CG)

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WRIT PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA

HIGH COURT OF JUDICATURE CHHATTISGARH: BILASPUR

Single Bench: Hon'ble Shri Satish K. Agnihotri, J.

W. P. No. 1035 OF 2006

Petitioner : Ashok Kumar Alam.

Versus

Respondents : State of Chhattisgarh & Others.

Shri Manoj Paranjpe, counsel for the petitioner.
Shri Sunil Otwani, panel lawyer for the respondents.

ORAL ORDER

(24th March, 2006)

1. This petition challenges the impugned order dated 30.11.2005, (Annexure P-9), passed by the respondent No.5, whereby the Officer Incharge of Primary School Tumla, Block Bhairamgarh, District Dantewada, has been directed that the order dated 20.10.2005, (Annexure P-5), passed by the Janpad Panchayat, Bhairamgarh, appointing Shiksha Karmi, Grade-III, be not given effect to without permission of District Collector, Dantewada.

2. Learned counsel for the petitioner submits that the petitioner was duly selected and appointed as Shiksha Karmi Grade-III, vide order dated 20.10.2005 (Annexure P-5), passed by the respondent No.6. Thereafter, the petitioner submitted the joining report on 1.12.2005, (Annexure P-8). Learned counsel has further submitted that the petitioner had joined the duties on 1.12.2005, itself.

3. The petitioner was informed that the entire selection process appointing Shiksha Karmi Grade-III, has been

cancelled. It is further contended that the petitioner has not received any written information as yet about cancellation of the selection proceedings, or his appointment.

4. Learned counsel appearing for the respondents No.1, 2 and 3, submits that the petitioner has never joined pursuant to his selection and appointment as Shiksha Karmi, Grade-III, as the Annexure P-8 is the application made by the petitioner to the Chief Executive Officer, Janpad panchayat, Bhairamgarh, for his joining. The Principal of Primary School Tumla has not allowed the petitioner to join on the post of Shiksha Karmi, Grade III, but forwarded the said application to the Block Education Officer/respondent No.5 for advice. It was further submitted that since the entire selection proceedings have been quashed and new selection process has been initiated, the petitioner does not have any right to the appointment.

5. Be that as it may, learned counsel for the petitioner submits that the petitioner has made a representation, (Annexure P-11) to the Secretary Scheduled Caste, Scheduled Tribe and Backward Classes, Welfare Department, Government of Chhattisgarh, therefore, the respondents may be directed to decide the said representation within a stipulated period.

6. Having heard learned counsel for the parties, in the facts and circumstances of the case, the respondents are

directed to consider and decide the representation (Annexure P-11), in accordance with law, within a period of three weeks, from the date of receipt/production of copy of this order.

7. In view of foregoing, this petitition stands disposed of. No order as to costs.

Sd/-
Satish K. Agnihotri
Judge